

appropriate, concerning the potential for adverse human and environmental effects of substances considered for inclusion in the proposed National List;

(2) work with manufacturers of substances considered for inclusion in the proposed National List to obtain a complete list of ingredients and determine whether such substances contain inert materials that are synthetically produced; and

(3) submit to the Secretary, along with the proposed National List or any proposed amendments to such list, the results of the Board's evaluation and the evaluation of the technical advisory panel of all substances considered for inclusion in the National List.

(m) Evaluation

In evaluating substances considered for inclusion in the proposed National List or proposed amendment to the National List, the Board shall consider—

(1) the potential of such substances for detrimental chemical interactions with other materials used in organic farming systems;

(2) the toxicity and mode of action of the substance and of its breakdown products or any contaminants, and their persistence and areas of concentration in the environment;

(3) the probability of environmental contamination during manufacture, use, misuse or disposal of such substance;

(4) the effect of the substance on human health;

(5) the effects of the substance on biological and chemical interactions in the agroecosystem, including the physiological effects of the substance on soil organisms (including the salt index and solubility of the soil), crops and livestock;

(6) the alternatives to using the substance in terms of practices or other available materials; and

(7) its compatibility with a system of sustainable agriculture.

(n) Petitions

The Board shall establish procedures under which persons may petition the Board for the purpose of evaluating substances for inclusion on the National List.

(o) Confidentiality

Any confidential business information obtained by the Board in carrying out this section shall not be released to the public.

(Pub. L. 101-624, title XXI, §2119, Nov. 28, 1990, 104 Stat. 3947; Pub. L. 102-237, title X, §1001(7), Dec. 13, 1991, 105 Stat. 1893.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (a), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1991—Subsec. (a). Pub. L. 102-237 substituted “to assist” for “(to assist)”.

§ 6519. Violations of chapter

(a) Misuse of label

Any person who knowingly sells or labels a product as organic, except in accordance with

this chapter, shall be subject to a civil penalty of not more than \$10,000.

(b) False statement

Any person who makes a false statement under this chapter to the Secretary, a governing State official, or a certifying agent shall be subject to the provisions of section 1001 of title 18.

(c) Ineligibility

(1) In general

Except as provided in paragraph (2), any person who—

(A) makes a false statement;

(B) attempts to have a label indicating that an agricultural product is organically produced affixed to such product that such person knows, or should have reason to know, to have been produced or handled in a manner that is not in accordance with this chapter; or

(C) otherwise violates the purposes of the applicable organic certification program as determined by the Secretary;

after notice and an opportunity to be heard, shall not be eligible, for a period of 5 years from the date of such occurrence, to receive certification under this chapter with respect to any farm or handling operation in which such person has an interest.

(2) Waiver

Notwithstanding paragraph (1), the Secretary may reduce or eliminate the period of ineligibility referred to in such paragraph if the Secretary determines that such modification or waiver is in the best interests of the applicable organic certification program established under this chapter.

(d) Reporting of violations

A certifying agent shall immediately report any violations of this chapter to the Secretary or the governing State official (if applicable).

(e) Violations by certifying agent

A certifying agent that is a private person that violates the provisions of this chapter or that falsely or negligently certifies any farming or handling operation that does not meet the terms and conditions of the applicable organic certification program as an organic operation, as determined by the Secretary or the governing State official (if applicable) shall, after notice and an opportunity to be heard—

(1) lose its accreditation as a certifying agent under this chapter; and

(2) be ineligible to be accredited as a certifying agent under this chapter for a period of not less than 3 years subsequent to the date of such determination.

(f) Effect of other laws

Nothing in this chapter shall alter the authority of the Secretary under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), and the Egg Products Inspection Act (21 U.S.C. 1031 et seq.) concerning meat, poultry and egg products, nor any of the authorities of the Secretary of Health and Human Services under the Federal Food, Drug¹ and Cosmetic Act (21 U.S.C.

¹ So in original. Probably should be followed by a comma.

301 et seq.), nor the authority of the Administrator of the Environmental Protection Agency under the Federal Insecticide, Fungicide¹ and Rodenticide Act (7 U.S.C. 136 et seq.).

(Pub. L. 101-624, title XXI, §2120, Nov. 28, 1990, 104 Stat. 3949; Pub. L. 102-237, title X, §1001(8), Dec. 13, 1991, 105 Stat. 1893.)

REFERENCES IN TEXT

The Federal Meat Inspection Act, referred to in subsec. (f), is titles I to IV of act Mar. 4, 1907, ch. 2907, as added Dec. 15, 1967, Pub. L. 90-201, 81 Stat. 584, and amended, which are classified generally to subchapters I to IV (§601 et seq.) of chapter 12 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 601 of Title 21 and Tables.

The Poultry Products Inspection Act, referred to in subsec. (f), is Pub. L. 85-172, Aug. 28, 1957, 71 Stat. 441, as amended, which is classified generally to chapter 10 (§451 et seq.) of Title 21. For complete classification of this Act to the Code, see Short Title note set out under section 451 of Title 21 and Tables.

The Egg Products Inspection Act, referred to in subsec. (f), is Pub. L. 91-597, Dec. 29, 1970, 84 Stat. 1620, as amended, which is classified generally to chapter 15 (§1031 et seq.) of Title 21. For complete classification of this Act to the Code, see Short Title note set out under section 1031 of Title 21 and Tables.

The Federal Food, Drug, and Cosmetic Act, referred to in subsec. (f), is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended, which is classified generally to chapter 9 (§301 et seq.) of Title 21. For complete classification of this Act to the Code, see section 301 of Title 21 and Tables.

The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in subsec. (f), is act June 25, 1947, ch. 125, as amended generally by Pub. L. 92-516, Oct. 21, 1972, 86 Stat. 973, which is classified generally to subchapter II (§136 et seq.) of chapter 6 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 136 of this title and Tables.

AMENDMENTS

1991—Subsec. (f). Pub. L. 102-237 inserted comma after “601 et seq.”.

§ 6520. Administrative appeal

(a) Expedited appeals procedure

The Secretary shall establish an expedited administrative appeals procedure under which persons may appeal an action of the Secretary, the applicable governing State official, or a certifying agent under this chapter that—

- (1) adversely affects such person; or
- (2) is inconsistent with the organic certification program established under this chapter.

(b) Appeal of final decision

A final decision of the Secretary under subsection (a) of this section may be appealed to the United States district court for the district in which such person is located.

(Pub. L. 101-624, title XXI, §2121, Nov. 28, 1990, 104 Stat. 3950; Pub. L. 102-237, title X, §1001(9), Dec. 13, 1991, 105 Stat. 1894.)

AMENDMENTS

1991—Subsec. (b). Pub. L. 102-237 substituted “district court for the district” for “District Court for the District”.

§ 6521. Administration

(a) Regulations

Not later than 540 days after November 28, 1990, the Secretary shall issue proposed regulations to carry out this chapter.

(b) Assistance to State

(1) Technical and other assistance

The Secretary shall provide technical, administrative, and Extension Service assistance to assist States in the implementation of an organic certification program under this chapter.

(2) Financial assistance

The Secretary may provide financial assistance to any State that implements an organic certification program under this chapter.

(Pub. L. 101-624, title XXI, §2122, Nov. 28, 1990, 104 Stat. 3951.)

§ 6522. Authorization of appropriations

There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this chapter.

(Pub. L. 101-624, title XXI, §2123, Nov. 28, 1990, 104 Stat. 3951.)

§ 6523. National organic certification cost-share program

(a) In general

Of funds of the Commodity Credit Corporation, the Secretary of Agriculture (acting through the Agricultural Marketing Service) shall use \$5,000,000 for fiscal year 2002, to remain available until expended, to establish a national organic certification cost-share program to assist producers and handlers of agricultural products in obtaining certification under the national organic production program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

(b) Federal share

(1) In general

Subject to paragraph (2), the Secretary shall pay under this section not more than 75 percent of the costs incurred by a producer or handler in obtaining certification under the national organic production program, as certified to and approved by the Secretary.

(2) Maximum amount

The maximum amount of a payment made to a producer or handler under this section shall be \$500.

(Pub. L. 107-171, title X, §10606, May 13, 2002, 116 Stat. 514.)

REFERENCES IN TEXT

The Organic Foods Production Act of 1990, referred to in subsec. (a), is title XXI of Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3935, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6501 of this title and Tables.

CODIFICATION

Section was enacted as part of the Farm Security and Rural Investment Act of 2002, and not as part of the Or-